Remarks/Arguments:

Claims 1-5, 9, 10, 14-19, 22, and 23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Onozawa (U.S. Patent No. 6,356,754). It is respectfully submitted, however, that these claims are patentable over Onozawa for the reasons set forth below.

Onozawa relates to a method for recording audio for a mobile communication apparatus. Specifically, Onozawa discloses the following steps:

1. If the audio signal is noise, silent data is recorded as the substitute for the noise (column 7, lines 29-35).

2. Voice data is recorded into RAM 4 while signals in the full rate mode are received. Codec 3 is reset if a change from the full rate mode to the half-rate mode is requested (column 7, lines 29-35).

3. While codec 3 is reset, silent data is recorded in RAM 4 (column 7, lines 41-50).

4. When resetting of codec 3 is complete, the mode of codec 3 changes to half-rate mode. Thus, voice data in the half-rate mode is recorded in RAM 4 (column 7, lines 56-60).

With regard to Onozawa, it is important to emphasize that silent data is recorded as a substitute for noise. This is very different than Applicants' claimed invention.

Applicants' invention is recited by claim 1, includes a feature which is neither disclosed nor suggested by the art of record, namely:

> ... data transmitting means for sending out ... identification information ... added on the digital audio data,

> wherein said data transmitting means makes the digital audio data be substantially zero data and adds silent identification information C on the substantially zero data ..., when the identification information changes from an identification information A showing a first coding type to a second identification information B showing a second coding type.

Thus, by transmitting audio data on which identification information and silent identification information are added, the receiving apparatus can detect the change of coding method. Thus, the receiving apparatus prevents noise sounds caused by changing of the coding method. As this feature is neither disclosed nor suggested by Onozawa, claim 1 is patentable over Onozawa. Claims 14-16, while not identical to claim 1, include features similar to those set forth above with regard to claim 1. Thus, claims 14-16 are also patentable over the art of record for the reasons set forth above.

Claims 14-16 also include the feature of:

> ... in addition to the silent identification information C, identification information before and/or after a transition of the coding method, which is added on the audio data, is transmitted.

Thus, by transmitting audio data on which identification information and silent identification information are added, noise sounds which are caused by changing of the coding method are prevented.

Regarding claim 9, this claim recites the feature of:

> ... a data separator for separating received data into audio data and identification information showing a coding type of the received audio data ...;
>
> identification information distinguishing means for distinguishing a content of the identification information separated by said data separator; and
>
> means for selecting data processing depending on the output of said identification information distinguishing means.

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As this feature is neither disclosed nor suggested by Onozawa, claim 9 is patentable over Onozawa.

For the reasons set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. **(703) 872-9306** on the date shown below.

May 21, 2004 Fran Petrillo